



PATENT AND TRADEMARK OFFICE
DIVISION *DAC*

IR-1609 (2-1941)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE *2005 JAN 26 AM 9:34*

In re Patent application of:

Daniel M. Kinzer

Date: January 21, 2005

Serial No.: 09/292,186

Group Art Unit: 2811

Filed: April 15, 1999

Examiner: Shouxiang HU

For: P-CHANNEL TRENCH MOSFET STRUCTURE

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Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Sir:

In the above-identified patent application, a Notice of Abandonment dated December 22, 2004 has been received, a copy of which is attached. It is stated in the Notice of Abandonment that because the Board of Patent Appeals and Interferences rendered a decision on September 27, 2004 and the period for seeking court review of the decision has expired and there are no allowed claims, the application is abandoned.

In this application, a Request for Rehearing was filed on November 29, 2004. A copy of the Request for Rehearing as originally filed is attached. In a telephone conversation with Supervisor Eddie C. Lee on January 20, 2005, it was determined that the file for the above application contains no record of Applicant's Request for Rehearing.

As evidence that the Request for Rehearing was mailed and received by the Patent Office, attached hereto is a copy of the postcard receipt that accompanied the correspondence. Note that the postcard receipt both bears the Patent Office stamp and further indicates that the Patent Office received the Request for Rehearing.

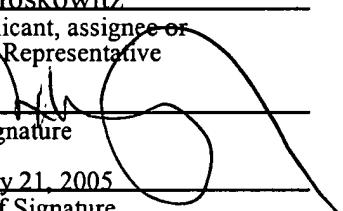
Under 37 C.F.R. §1.197(b), Applicant had two months from the date of the Board's original decision to file the Request for Rehearing. It is noted that the two-month period for reply was November 27, 2004, which was a Saturday. Accordingly, under 37 C.F.R. §1.7(a),

Applicant had until the following Monday, November 29, 2004, to timely file the Request for Rehearing.

As evidence that the Request was timely filed, attached hereto is a copy of the Certificate of Mailing (see last page of Request for Rehearing) identifying a mailing date of November 29, 2004. Although the undersigned Counsel cannot personally attest to the previous timely mailing, it is attested that the correspondence was timely mailed given that the stamped postcard receipt also specifies a mailing date of November 29, 2004.

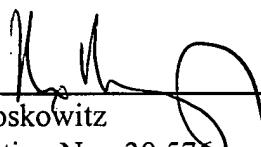
In view of the above, and the evidence submitted herewith, it is respectfully requested that the Notice of Abandonment be withdrawn and this case be returned to the active files for consideration of the Request for Rehearing.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 21, 2005:

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature
January 21, 2005
Date of Signature

SHW/GRF:lac

Respectfully submitted,



Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/292,186	04/15/1999	DANIEL M. KINZER	IR-1609-(2-1)	3190
2352	7590	12/22/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HU, SHOUXIANG	
		ART UNIT	PAPER NUMBER	
		2811		

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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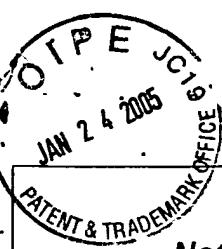
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IR-1609
12-1940
22-JAN-2005 SMC
BJC

SG

DEC 28 2004



Notice of Abandonment	Application No.	Applicant(s)
	09/292,186	KINZER, DANIEL M.
	Examiner Shouxiang Hu	Art Unit 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
(c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
(d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
(b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
(c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
(a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
(b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on 9/27/04 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

SHOUXIANG HU
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Serial No. 09/292,186 Filing Date 4/11/99 OFGS File No. 2-1941
Title P-CHANNEL TRENCH MOSFET STRUCTURE
First Inventor Daniel M. Kinzer Date NOV. 29, 2004
The PTO has received:

- Patent Application of _____
 Pages (including claims & abstract)
 Declaration or Designation Sheet
 Drawings _____ Sheet(s)/Figs. _____ to _____
 Priority Document
 Small Entity Declaration
 Assignment & Conveyance Cover Sheet
 Information Disclosure Statement
 PTO-1449
 Amendment
 Affidavit or Declaration
 Request for Rehearing
 Check No. _____ for \$ _____
Atty/Secy BJK/JH

- TM Application ITU Basis
 Statement of Use
 Extension of Time
 Notice of Appeal
 Brief
 Petition
 Status Request
 Issue Fee
 Certificate of Mailing
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